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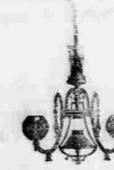
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Artesian Well Pipe, all sizes:

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Galvanized Iron Water Pipe, all sizes, and laid on at Lowest Rates: Cast Iron and Lead Soil Pipe,

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Chandeliers, Lamps, Lanterns A FINE ASSORTMENT OF WALL PAPER

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SUCH AS Denizus, Brown and White Cotton Drillis, Tickings, Turkey Red, ac.,

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Merino and Cotton Undershirts, White Boson Shirts, &c., Socks and Stockings, Handkershief Foulards, Gloves, LARGE INVOICE OF CLOTHING

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ERFUMERY, FLORIDA WATER, Gennine Eau de Cologne, Latien's Extracts, Totlet Saaps, Philocome, Hair Otl, Comba, Mirrore, Looking Glasses, Pipes, L. E. Bells, Harmoniens, Blank Books, Albums, Gold Lant, Jewelry, Watches, VIENNA FURNITURE

riession, Arm, Dining Boom and Parlor Chairs, Selless, Sc., addles, Gulfskins, Guths, Stirrup Leathers, RATES OF ASSORTED CROCKERY, Containing Platon, Cups, Toupots, Bowls, Chambers, Rice Dishes and Bakers, Demijohns, 3 and 5 gulls; Sample Bottles, Vasos and Glassware, Manila and Tarred Rope, Homp and L. B. Packing, Coul Baskets,

Sugar & Rice Bass

Coal Bags, Gunnies, Twine, Burlage Woolpack and Twilled Sacking, Lineu Ho GROCERIES

Ströines, in half and quarter boxes, H. and P. Biscuitz, Salt in Jars. Coster Cell in Thes, Steorine Candles, 4, 5 and 6, Markes, Coccanut Oil, Wash Blue, Hubburk's Linseed Paint Oil, H White Lead, White Zine Paint.

Do Lange file and Bontellean <> Brandy, and other brands, inm. Gin. St. Panl Best. Ale and Porter, fort Wins, Sherry, Rhine Wins, ine and Table Charets, Champagns, i. H. Munm & Co., Sparkling Hock, by Heidssick, Monopole, Ch. Parre,

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METALLIC AND OTHER PAINTS! Class.

Firewood DOORS SASH BLINDS

FOR SALE IN QUANTITIES TO SUIT LOW PRICES

Of Eastern and California Make

Cotton Duck

Hawaiian Gazette.

WEDNESDAY, JANUARY 23, 1881. inpreme Court of the Hawaiian Islands In Banco-Special Term, Dec. 20, 1883 M. Herreso vs. C. T. Gelder, Mrs. Interior.

garried by the destries of hebrs—an equitable trine, but which may be reasonably applied to present case where the ecultroversy/depends or rainfully of a deed.

See Story's Eq., Juria, § 1328.

Senith w. Calv., S Brown Lead. Chess 629.

North v. Labres, S Me., 200.

Evart vs. Bacon, 19 Mass. 713.

County vs. Perkins 107. Mass. 713.

It a verdict for the plaintiff must have been so inheapen, so where the party to deriving the verdict. The authority of the Courceder a verdict is set forth by Mr. Justice Child destructing the opinion of the Supreme Courceder a verdict is set forth by Mr. Justice Child destructing the opinion of the Supreme Courceder a verdict is set forth by Mr. Justice Child destructing the opinion of the Supreme Courceder a verdict is set forth by Mr. Justice Child destructing the opinion of the Supreme Courceder a verdict is set forth by Mr. Justice Child destructing the opinion of the Supreme Courceder a verdict is set for the party merely be seen to be a solution of the Supreme Courceder a verdict is set for the party in the party produced in support of a control of the party in the party produced in such a case of the party to the party produced by its measure decisions have established a more reasonable rate, to wit, that before the evidence is left be judy in bound to leave it to the judy in the bound to leave it to the judy in the party produced in many questions for the judge, not whether there is a power which a jury on property proceed to find exercision for the judge, not whether there is a power which a jury on property proceed to find exercise for the defendant.

The planting had trial of his case under ruling and the Court property instructed the judy to find evertified for the defendant.

provided by Smittle is complete, the claw remedy is superceded by the Smittle person injured must partie the course point the fact. In such case the statutory remot merely communitative upon the common from but an entire substitution for it and

O. This principle was affirmed in Stone vs. Alle.
Hawn. 5, 521
Hawn. 5, 521
Says Cooley on Torts page 635, "But the coumon law remedy may be encluded by implicate
is well as by express negative words; and whe
that which constitutes the actionable wrong is pemitted on public grounds, but on condition the
compensation be made, and the Status; ground
to the compensation be made, and the Status; ground

sidered as intended by it to deny the remedy at common law."

The same principle is stated by Hoor, J., in City of Worcesser vs. Commissioners of Worcester, 100 Mass. 108, as follows: "The general policy of the law in regard to private property taken for public use is undoubtedly this; that the estimate of diamages shall be made in the first plane by or under the suthority of some tribunal by whom it can be made more promptly and choacy's than by the intervention of a jury.

The Act of the Hawaiian Legislature, p. 38 Lawe of 1963, "authorising the Minister of Interior to take possession of whitever land and water may be required for the use of the Honolath Water Works," provides that compensation shall be made to those injured thereby, and in adequate remedy is provided by which they can obtain re-dress and by all the authorities the inforunce that this was intended to be the sole remedy is concil-

Supreme Court of the Hawalian Islands-THE KING RESPONDENT TO AN LESS APPRILLING of me Judd C. J., McColly and Austin J. J., -Opin

This case comes here on exceptions to the decision of the Court overruling a motion to quash the indictancent against the defendant for perjuny on the ground that it was not drawn by a day qualified Attorney-Geocral or his departy.

The facts are concelled to be that in May, 1883, Walter Murray Gibson, Minister of Foreign Affairs was appointed by the King Attorney-Geocral of intervie, in place of Edward Preston Attorney-General resigned, and that he held the position, and acted as such Attorney-General till the October Term of the Court at Housinits when it w. Ans tim Whiting his departy appointed, the indictance was presented and the motion to quash it was made.

made.

The Court have carefully examined their decome in Banco in Rex. vs. Wm. Kamaan 8 Hawn.

1839 in which Chief Justice Harris delivered in opinion, and think they are bound by it.

In that case John S. Walker, Minister of Finns was aurocinized Autornay-General of since ye and

is a matter between the King and people and the defendant, and to which Walter Murray Gibson not a party, the Court by this sammary process skill decide that owing to lapse of time be in a become only Attorney General defends, and that he shall be outsted from office. We think this cannot be outsted from office.

to choose.

In Fowler vs. Beebee et al., 9 Mass. pp. 321Farsons C. J. says that "Mr. Smith (whose right
to hold the office of sheriff was questioned cellat
early) is no party to this record nor can be be
legally heard in the discussion of this piece al
though our decision would as effectually decade or
his tills to the office as if he were a party. This
would be judging a man unbeard contrary to may
ural equity and the policy of the law."
"From considerations like these arises the dis
incition between holding an office of facts and a
jury."

"We do not decide whether he is sheriff de para-he county of Hampden or has introded himse into the office, but as we are of opinion that he sheriff in fact we hold that is sufficient." Keet in his Commentaries Vol. 2, p. 25 say In the case of public efficers who are such

the acting under color of concess of an experimental pointment not structly legal, or without harmalified themselves by the requisite tests, or ading over after the period prescribed for a repointment, as in the case of shortifs, constable at their acts are held valid as respects the right of the process the public, in order to prevent a free of justice.

In Sheeham's case which was a mortion to harps a man on habear corpus who had been stead, as he claimed by a Court which was a Court of feeth. See 122 Mass. pp. 485-6. 6.

I, decrete as adid C. J. Farsens in the 5th M use cited, as he claimed by a Court in the 5th M use cited and says, to decide otherwise would inconsistent with the convenience and seer of the public. and further says. The appear of the public is and further says. The appear in the form of trying his right to ascertize the office protocological position is by information in behalf of the convenience in the case.

validity of the renowdy here in the 9 and 122 Mass. H to wrongs time. We think he would have such a righ

risoner. Hopolulu, January, 14th, 1881.

ne Court of the Hawaiian Island Special Term. December, 1883 KANAGE VS. LOVELL.

ated that they had sold the

Upon a previous trial of this cause var-sudered for the plaintiff. Exceptions to to me were settained by the Court—see Kar-Jorell, tilt Hawn, E. p. 601, on the grou-hers was no evidence tending to attack it by which the defendant held, exceeded in in record stree 1968, and coming from the of the defendants privise, except the denis theyed granters. Numans and his wife, o misuase dover. a weeker for the defendant. The p s and contents that there was eval-aration of the bestrowing given ag a rad his wife, the grantons, despits too to the deed, which engist to not too to the deed, which engist to not too to the deed, which engist to not too to the deed, which was a same as a sant up in the bill of earn out the testimony of the grantons we hence to emport the pixinstiffs army a alleged deed was franches; effect of the other bestimony is that is rathered or returning from a visit to

Blocks, Oars,

General Berchandige.



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DRY GOODS AND CLOTHING

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Colored Satins, Grass Cloths,
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Wooden Table Covers, Col'd Satisens & Crapes
Fancy, Mixturs, Bine and Gray Flannels,
Victoria Lawns, Brooks Spool Cotton,
Lace Curtains, blue and white;
Check Lisladds, Fancy Dress Goods,
Fancy Flaids, Regatia Shirts, Wool Shirts,
White and Colored Cotton Shirts,
Filot Reelers, India Rubber Conta, Capes and
Leccius. Let process issue, returnable before the Supersse ourt Term, Saturday, 17th January, 1884, at 10 m. L. McCultz, Presiding Justice, *

Mr. Sheidon therengon voluntarily states to the cort that he was the managing editor at the time communication was received, and should have satisfied it, but did not, being just then on the cloth of resigning his position; and gave it to be A Full Assortment of Gents', Ladies, 'Giris' and Boys' Saddles, A few JOCKEY SADDLES, Bridles, Saddle Cobbs, Chamois Skins,

or BAGS are made to Fit Otto's Presses, a

aling and the Court properly instructed the plant verdict for the defendant. The saveptions are overruled: S. B. Dole, for plaintiff; W. E. Castle, for

ciel Lyone, Publisher of the "Klete Pund

mi. nolulo, January 15, 1884.

communication was recent and some the point of resigning his position; and gave it to be top.

Neither Mr. Lyons nor Mr. Sheldon offer information as to the writer of the objectionable article. It is not denied that the matter was of the character charged in the information.

There must be a responsibility somewhere for the publication of libelous mixtur, and the rule of law as that the publisher is liable, even if he have no knowledge of the contents and be autirely ignorant of its being libelous.

1 Hawk P. C. 73.

This is a presumption which may be rebutted by special circumstances. Was it so in this case?

It would seem by the statement of Mr. Sheldon, that he was a more employe, in law, severant of the defendant, He says he would not have permitted the article to appear if he had seem it. It was the course of business at the office that he should rand or write all matter for the paper. Now, if by his not reading a communication, it thereby received a character of immunity, and all persons became fire from responsibility, clearly the door would be opened for the thresponsible publication of any unlawful matter. The delegation of the englect or indiscretion of the servant.

Nothing appears in this case why the general ratio should not be applied. No special circumstances are shears trading to indince a belief, our he part of the employee or principal, that this article was one which need not be examined. Mr. Sheldon far the employ of the employee or principal, that this article was one which need not be examined it; that the publish, and of matter for health of the first publishers for what they publish, and of matters for the acts of their servants. It is a legal inhibitity, without reference to personal blame. In wiwe of that, I make the passary 16th, 1861.

SUPREME COURT erm. December, 1883. In E THE RING TO. MAKEWHO

McCally and destin J. J.-the Court per Judd C. J.

sel now moves the Supreme Court for s That the verdict was contrary to the That there was misconduct on th ant paying for his meal, when a jury ikn and "Don't you pay, let the Chi-we have vindicated pay," meaning

To the Proprietors of Sugar Mills A AGENT FOR FIRST CLASS

S. OAKLEY, 174 Queen Street Steel Rails

15 Lbs. per Yard, with Fastenings. Just received per Mazatlan

DE And for sale for Hackfeld & Co.



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-THE POLLOWING -

Prints of latest styles, fast colors; Blue Denims, White Croden Sheeting Herrock's Long Cloths, Brown Linen Pri Waterproof Tweeds, Towels & Towelin Glass Towels, Table Cleths, do. Napki Pure Linens, Shawls, Grenadines,

Mornos ron Ruiz to Snow Carse.

And now comes Paul Nemanan, the AttorneyGeneral of the Kingdom, and moves the Court for
an order to cite Danies Lyona, publisher of the
Edde Posicies, a weekly newspaper published in
Hamblala, to be and appear before this Honorable
Court, at a time and doy to be fixed by this Honorable Court, to show which is should not be jumlabed for contempt of this Honorable Court, by
Anovincipy publishing on the 18th day of December, A.D. 1883, in the said newspaper, certain
wallelons and libelons writings reflecting upon a
decision rendered by the Chief Justice of this
Honorable Court in a matter then pending in the
Supreme Court of the Hawaiian Islands and tending to bring this Honorable Court and the adminteration of justice into ridicule, contempt, discredit and width.

PAUL NEWARN.

Dated, Hossibalz, Jannary 7th, 1884.

Let process issue, returnable before the Supreme

Velvet Carpets, Velvet Rugs, Velvet

SADDLERY!

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> RICE BAGS AND TWINE. CALVANIZED: CORRUGATED ROOFING a. S. S. & D.ft. lougths, (24 guage), Screws & Washer GALVANIZED RIDGING,

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Fancy Glass Flower Stands, Fern Baskets, et PORTLAND CEMENT & FIRE BRICKS Fire Clay, Whiting, Chalk, Yellow Ochre,

Crockery and Glassware,

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STATIONERY, IRON BEDSTEADS. ENGLISH LEATHER BELTING, 3 to 12: FLOOR OILCLOTHS STEEL RAILS,

RAILROAD SPIKES TO MATCH ONE SIX HORSE-POWER PORTABLE ENGINE ALSO, ONE THREE HORSE-POWER

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A Splendid Amortment LEATHER - Of All Descriptions

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WOODWARD & BROWN'S CELEBRATED PIANOS The Cheapest Good Piano: New Haven Organ Co.'s Parlor Organs.

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Black French Merinos. action and Gent's Uniberlian.
Lines Sheeting, The Silks.
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DUMP CARTS hand to all orders at short Brassonhie Bales, CONCHEE & AHUNG RESERVER THE STREET BB KING STRUET. New Goods of Various Descriptions